



PATENT
Docket No. 6169-95

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Fado, *et al.*

Serial No.: 09/399,873

Examiner: Armstrong, A. A.

Confirmation No.: 2778

Date Filed: September 20, 1999

Group: 2654

For: PROCESS FOR IDENTIFYING EXCESS NOISE
IN A COMPUTER SYSTEM

COMMUNICATION

Commissioner for Patents
Box CPA
Washington, DC 20231

Sir:

This Communication is filed responsive to the final office action mailed November 6, 2002 (Office Action). A Continued Prosecution Application ("CPA") is being filed simultaneously herewith.

The period for response has been extended for one month to March 6, 2003, by a Petition for an Extension of Time Under 37 C.F.R. § 1.136 and a check for the appropriate fee under 37 C.F.R. § 1.17 filed concurrently herewith.

Please consider the following remarks in support of patentability of the above-identified patent application. Presently, claims 1-12 are pending in the application.

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REMARKS:

In the Office Action, the Examiner rejected claims 1-12 under 35 U.S.C. § 103(a), as being obvious over U.S. Patent 6,324,499 to Lewis, *et al.* (Lewis) in view of Japanese Patent JP410091184A to Kawada, *et al.*

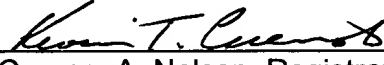
The Applicants note that Lewis and the subject invention were commonly owned at the time the claimed invention was made as defined by MPEP § 706.02(I). At the time the subject invention was made, the inventors in the instant application had obligations to assign their intellectual property rights in the subject matter and the claimed invention to International Business Machines Corporation (IBM) and did in fact assign their intellectual property rights to IBM, thereby evidencing common ownership of the claimed invention and Lewis. Pursuant to MPEP 706.02(I)(2), a copy of the recorded Assignment in the instant application is attached hereto showing conveyance of the entire right in the instant application to IBM.

By filing this Continued Prosecution Application to obtain a filing date after November 29, 1999, the Applicants intend to avail themselves of the protection offered by 35 U.S.C. § 103(c) against use of commonly owned § 102(e) art to formulate obviousness rejections, thereby removing Lewis as a reference.

For the foregoing reasons, the Applicants request reconsideration and allowance of all pending claims. Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

Date: 3/6/03


Gregory A. Nelson, Registration No. 30,577
Kevin T. Cuenot, Registration No. 46,283
AKERMAN SENTERFITT
222 Lakeview Avenue, Suite 400
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000



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TRANSMITTAL LETTER

Commissioner for Patents
Box CPA
Washington, DC 20231

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Sir:

Please find enclosed for filing:

1. Communication
2. Notice of Recordation of Assignment Document dated July 16, 1999;
3. Petition for Retroactive Extension of Time;
4. Check - \$860.00 (\$750.00 filing fee and \$110.00 extension of time fee);
5. Other: Two (2) return postcards;
6. Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

This Transmittal Letter is submitted in duplicate.

Respectfully submitted,

Date: 3/6/03

Kevin T. Cuenot

Gregory A. Nelson, Registration No. 30,577

Kevin T. Cuenot, Registration No. 46,283

AKERMAN SENTERFITT

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6169-95
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SEPTEMBER 11, 2000

PTAS

QUARLES & BRADY LLP
GREGORY A. NELSON, ESQ.
222 LAKEVIEW AVENUE - SUITE 400
P.O. BOX 3188
WEST PALM BEACH, FL 33402-3188



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/10/2000

REEL/FRAME: 010931/0957
NUMBER OF PAGES: 4

BRIEF: CORRECTION OF ASSIGNOR NAME: AMADO PREVIOUSLY RECORDED ON REEL 010274 FRAME 0249.

ASSIGNOR:
FADO, FRANK

DOC DATE: 09/02/1999

ASSIGNOR:
GUASTI, PETER J.

DOC DATE: 09/02/1999

ASSIGNOR:
NASSIFF, AMADO

DOC DATE: 09/02/1999

ASSIGNOR:
VANBUSKIRK, RONALD E.

DOC DATE: 09/02/1999

ASSIGNEE:
INTERNATIONAL BUSINESS MACHINES
CORPORATION
NEW ORCHARD ROAD
ARMONK, NEW YORK 10504

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1000 10 2003

010931/0957 PAGE 2

SERIAL NUMBER: 09399873

PATENT NUMBER:

FILING DATE: 09/20/1999

ISSUE DATE:

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

OMB No. 0651-0011 (exp. 4/94)

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Frank FADO, Peter J. GUASTI, Amado NASSIFF and Ronald E. VANBUSKIRK

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

7-10-2000

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☒ Other: Correction of Assignee name: Amado
Previously recorded on Reel 010274/
Frame 0249.

Execution Date: September 2, 1999

2. Name and address of receiving party(ies):

Name: International Business Machines Corporation

Internal Address:

Street Address: New Orchard Road

Armonk, New York 10504

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/399,873

B. Patent No.(s)

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Additional numbers attached? ☐ Yes ☒ No

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5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Gregory A. Nelson, Esq.

Internal Address: _____

Street Address: QUARLES & BRADY LLP
222 Lakeview Avenue - Suite 400
P.O. Box 3188
West Palm Beach, FL 33402-3188

6. Total number of applications and patents involved:

1

7. Total Fee (37 CFR 34)\$40.00 (previously paid)

- ☐ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number

17-0055

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Steven M. Greenberg Reg. No. 44,725
Docket No. 6169-957-6-00
Date

Total number of pages including cover sheet: 6

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231

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U.S. Department of Commerce
Patent and Trademark Office

OMB No. 0651-0011 (exp. 4/94)



To the Honorable Commissioner of Patents

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.ched original documents or copy thereof.

1. Name of conveying party(ies): Frank FADO, Peter J. GUASTI, Amando NASSIFF and Ronald E. VANBUSKIRK

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: International Business Machines Corporation

Internal Address:

Street Address: New Orchard Road

Armonk, New York 10504

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: September 2, 1999

4. Application number(s) or patent number(s):

If this document is being filed with a new application, the execution date of the application is: September 2, 1999

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Robert J. Sacco, Esq.

Internal Address: _____

6. Total number of applications and patents involved:

1

7. Total Fee (37 CFR 34)\$40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number

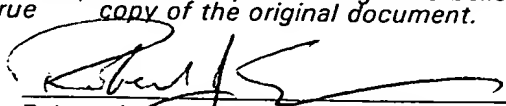
17-0055

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.


Robert J. Sacco, Reg. No. 35,667
Docket No. 6169-95

Date

9/20/99

Total number of pages including cover sheet: 3

Mail documents to be recorded with required cover sheet information to:
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Washington, D.C. 20231

DOCKET NUMBER: 6169-95**ASSIGNMENT**

Whereas, we,

- | | | |
|-----|--|---|
| (1) | Frank Fado
County of Palm Beach | of Highland Beach
and State of Florida |
| (2) | Peter J. Guasti
County of Broward | of Coral Springs
and State of Florida |
| (3) | Amado Nassiff
County of Palm Beach | of Boynton Beach
and State of Florida |
| (4) | Ronald E. VanBuskirk
County of Martin | of Indiantown
and State of Florida |

have invented certain improvements in

PROCESS FOR IDENTIFYING EXCESS NOISE IN A COMPUTER SYSTEM

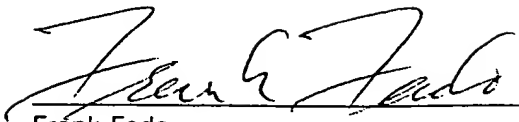
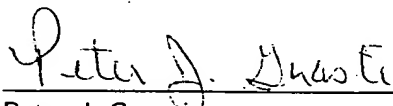
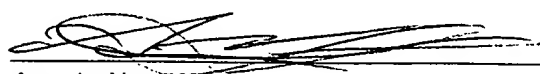
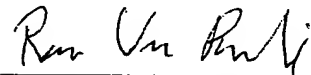
and executed a United States patent application therefor on the following date(s):

- | | | | |
|-----|---------------|-----|------------------|
| (1) | <u>5/2/99</u> | (2) | <u>9/2/99</u> |
| (3) | <u>9/2/99</u> | (4) | <u>2 SEPT 99</u> |

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at New Orchard Road, Armonk, New York, 10504 (hereinafter IBM), desires to acquire the entire right, title and interest in the application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby acknowledge our prior existing obligation and hereby sell, assign, and transfer to IBM, its successors and assigns, the entire right, title and interest in the application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of the United States application, and we request the Commissioner of patents to issue any Letters Patent granted upon the invention set forth in the application to IBM, its successors and assigns; and we hereby agree that IBM may apply for foreign Letters Patent on the invention and we will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed and sealed:

	<u>LOCATION</u>	<u>DATE</u>	<u>SIGNATURE</u>
(1)	<u>WEST PALM BEACH</u>	<u>9/2/99</u>	 Frank Fado
(2)	<u>West Palm Beach, FL</u>	<u>9/2/99</u>	 Peter J. Guasti
(3)	<u>West Palm Beach, FL</u>	<u>9/2/99</u>	 Amado Nassiff
(4)	<u>WEST PALM BEACH, FL</u>	<u>2 SEPT 99</u>	 Ronald E. VanBuskirk